

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Brian Calhoun	Councilmember
	Paul Caprioglio	Councilmember
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Councilmember
	Cynthia Sterling	Acting Council President
	Blong Xiong	Council President

Andy Souza, City Manager
 James Sanchez, City Attorney
 Becky Klisch, City Clerk
 Yolanda Salazar, Assistant City Clerk

Councilmember Dages gave the invocation and President Xiong led the Pledge of Allegiance.

PROCLAMATION OF "ROBERT OVERTON DAY"

PROCLAMATION OF "JANET SMITH" DAY

PROCLAMATION OF "HEALTHY AIR LIVING WEEK"

The above proclamations were read and presented.

APPROVE MINUTES OF JUNE 17 & 19, 2008

On motion of Acting President Sterling, seconded by Councilmember Caprioglio, duly carried, RESOLVED, the minutes of June 17 & 19 2008, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

COUNCILMEMBER PEREA: Commendation/good luck wishes extended to the Fresno State baseball team in the College World Series.

ACTING PRESIDENT STERLING: Commendation to AmCal on their gated, affordable housing project at Elm and Jensen Avenues.

PRESIDENT XIONG: Report on (1) presentation last Wednesday to the Senate Education Committee on AB 2064 (Arambula), and (2) his welcome of the President of the Philippines on Sunday, with commendation to all involved organizations for their work on the visit.

APPROVE AGENDA:

(11:00 A.M. #3) CONSIDER PLAN AMENDMENT NO. A-08-01/REZONE APPLICATION NO. R-08-01/ENVIRONMENTAL FINDINGS, FILED BY BMK PARTNERS AND SKN PROPERTIES, ON BEHALF OF CRIS AND DON PILEGARD, NORTHEAST AND SOUTHEAST CORNERS OF S. CLOVIS AND E. CALIFORNIA AVENUES (Continue to August 19, 2008, at 10:00 a.m.)

Continued as noted.

(1-B) APPROVE AMENDMENT NO. 2 TO THE AGREEMENT WITH KLEINFELDER WEST FOR ON-DEMAND QUALITY ASSURANCE TESTING AND INSPECTION SERVICES FOR THE DEPARTMENT OF AIRPORTS IN AN AMOUNT NOT TO EXCEED \$150,001

-and-

(1-C) APPROVE AMENDMENT NO. 2 TO THE AGREEMENT WITH BSK ASSOCIATES FOR ON-DEMAND QUALITY ASSURANCE TESTING AND INSPECTION SERVICES FOR THE DEPARTMENT OF AIRPORTS IN AN AMOUNT NOT TO EXCEED \$150,001

-and-

(1-D) APPROVE AMENDMENT NO. 2 TO THE AGREEMENT WITH BLAIR, CHURCH AND FLYNN FOR ON-DEMAND PROFESSIONAL CIVIL ENGINEERING CONSULTING SERVICES FOR THE DEPARTMENT OF AIRPORTS IN AN AMOUNT NOT TO EXCEED \$150,001

Removed from the agenda at the request of staff.

(1-H) APPROVE PURCHASE OF THREE ACRES OF LAND AT THE SOUTHWEST CORNER OF E. CLINTON AND N. WEBER AVENUES FROM NOYAN/FRAZIER PROPERTIES, LLC, FOR \$1,0445,440 FOR CONSTRUCTION OF A NEW CENTRAL DISTRICT POLICING STATION

City Clerk Klisch advised staff was requesting the item be removed from the agenda whereupon City Manager Souza requested it not be removed and that the item be laid over to 2:00 p.m. for an explanation from staff.

(1-T) AWARD A THREE-YEAR CONTRACT IN THE AMOUNT OF \$2,557,500 PER YEAR TO LIBERTY COMPOSTING, INC., FOR THE REMOVAL, PROCESSING AND BENEFICIAL REUSE OR OTHER ENVIRONMENTAL FRIENDLY ALTERNATIVE DISPOSAL OF BIOSOLIDS

City Clerk Klisch advised the subject amount (\$2,557,500) was an estimated amount. So noted.

On motion of Acting President Sterling, seconded by Councilmember Caprioglio, duly carried, RESOLVED, the **AGENDA** hereby approved, as amended, by the following vote:

Ayes : Calhoun, Caprioglio, Dages, Duncan, Perea, Sterling, Xiong
Noes : None
Absent : None

ADOPT CONSENT CALENDAR:

Barbara Hunt spoke to Airports' items questioning why funding was being allocated when they are an enterprise department, and stated each consent calendar item should be considered separately.

City employees Dee Barnes, FCEA President, and Andrea Walls spoke to Item 1-T stating although the City's support was appreciated some employees were being harmed/injured by this resolution advising one administrative clerk returned from service in 2004 and was presented with a bill to pay back \$3,700 and added the resolution was not addressing the issue.

Brunette Harris, HEAT for Southwest Fresno, stated her opposition to using any HUD funds on any project.

(1-A) **RESOLUTION NO. 2008-147** - INTENT TO ANNEX FINAL TRACT NO. 5901, ANNEXATION NO. 32, TO CFD NO. 11, AND SETTING THE REQUIRED PUBLIC HEARING FOR JULY 15, 2008

(1-E) APPROVE A CONSULTANT AGREEMENT WITH BURKE CONSTRUCTION SERVICES, INC., FOR INSPECTION AND EVALUATION OF PROPERTIES LISTED ON THE CITY'S LOCAL REGISTER OF HISTORIC RESOURCES, AND AUTHORIZE THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE AGREEMENT

(1-F) AUTHORIZE RENEWAL OF AN AGREEMENT BETWEEN THE CITY OF FRESNO HOUSING AUTHORITY AND THE POLICE DEPARTMENT FOR THE HUD CAPITAL FUNDING GRANT PROGRAM AND ADDITIONAL SECURITY AND PROTECTION SERVICES FOR PUBLIC HOUSING GRANT, AND AUTHORIZE THE CHIEF OF POLICE TO EXECUTE THE AGREEMENT AND REQUIRED PROGRAM DOCUMENTS

(1-G) APPROVE ADDITIONAL ADMINISTRATIVE LEAVE FOR THE CITY ATTORNEY AND CITY CLERK

(1-I) AWARD A CONTRACT IN THE AMOUNT OF \$295,309 (INCLUDING ADD ALTERNATE FOR CURTAIN REPLACEMENT) TO LVH ENTERTAINMENT SYSTEMS TO RENOVATE THE STAGE RIGGING AND CURTAINS IN THE SAROYAN THEATER

(1-J) APPROVE AN AMENDMENT TO EXTEND THE AGREEMENT WITH EVERGE GROUP TO OCTOBER 31, 2008, FOR PROFESSIONAL CONSULTING SERVICES TO COMPLETE THE IMPLEMENTATION OF PEOPLESFT SELF SERVICE APPLICATIONS

(1-K) RESOLUTION NO. 2008-148 - DEDICATING CERTAIN CITY-OWNED PROPERTY ON THE WEST SIDE OF N. PARK AVENUE NORTH OF E. BELMONT FOR PUBLIC PEDESTRIAN WALKWAY PURPOSES

(1-L) RESOLUTION NO. 2008-149 - DEDICATING CERTAIN CITY-OWNED PROPERTY ON THE WEST SIDE OF WILLOW AVENUE SOUTH AND NORTH OF W. SHEPHERD AVENUE AND ACCEPTING AN IRREVOCABLE OFFER TO DEDICATE A PUBLIC STREET EASEMENT ALONG THE SOUTH SIDE OF SHEPHERD WEST OF WILLOW AVENUE

(1-M) APPROVE THE SALE OF A PORTION OF AN ABANDONED WELL STE TO THE ADJACENT OWNER FOR A PRICE OF \$349.00, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO EXECUTE THE AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY AND COMPLETE THE DISPOSAL OF A PORTION OF EXCESS LAND TO THE ADJACENT PROPERTY OWNER ROBERT AND NANCY UPMEIER

(1-N) ADOPT FINDING OF A CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES AND AWARD A CONTRACT FOR THE BASE BID AND ADD ALTERNATE I IN THE AMOUNT OF \$1,118,270 TO BILL NELSON GENERAL ENGINEERING CONSTRUCTION, INC., FOR INSTALLATION OF 8" WATER MAINS IN THE VICINITY OF N. PALM, E. ASHLAN AND N. MAROA AVENUES

(1-O) APPROVE A MUTUAL LICENSE AGREEMENT WITH HORIZON ENTERPRISES AND APPROVE THE ACCEPTANCE OF A DONATION OF PROPERTY LOCATED NEAR THE SOUTHWEST CORNER OF E. HAMILTON AND S. SARAH STREET FOR DEVELOPMENT OF A SKATE PARK

(1-P) APPROVE AGREEMENT WITH BLAIR, CHURCH AND FLYNN CONSULTING ENGINEERS IN THE AMOUNT OF \$72,200 FOR PREPARATION OF PLANS, SPECIFICATIONS AND COST ESTIMATES FOR THE SUGAR PINE TRAIL COMPLETION PROJECT, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

(1-Q) LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1

1. RESOLUTION NO. 2008-150 - INITIATING PROCEEDINGS FOR THE ANNUAL LEVY OF ASSESSMENT

2. RESOLUTION NO. 2008-151 - INTENT TO LEVY AND COLLECT THE ANNUAL ASSESSMENT

(1-R) AWARD A THREE-YEAR CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO JON ROBERT ALSDORF COMPANY FOR LANDSCAPE, CUSTODIAL AND MAINTENANCE SERVICES FOR ALL CITY-OWNED TRAILS AND PATHS; AND AWARD THE CONTRACT FOR SERVICE LEVEL B FOR LANDSCAPE SERVICES (\$19,983), CUSTODIAL SERVICES (\$4,009) AND MAINTENANCE SERVICE (\$249) FOR A TOTAL AWARD AMOUNT OF \$24,241/MO.

(1-S) AWARD PROPOSAL IN THE AMOUNT OF \$60,667 TO VERMONT SYSTEM, INC., FOR THE PARKS AND RECREATION WEB-BASED SOFTWARE CONVERSION PROJECT BID, AND AUTHORIZE THE PARCS DIRECTOR OR DESIGNEE TO SIGN THE CONTRACT ON BEHALF OF THE CITY

(1-T) AWARD A THREE-YEAR CONTRACT IN THE ESTIMATED AMOUNT OF \$2,557,500 PER YEAR TO LIBERTY COMPOSTING, INC., FOR THE REMOVAL, PROCESSING AND BENEFICIAL REUSE OR OTHER ENVIRONMENTAL FRIENDLY ALTERNATIVE DISPOSAL OF BIOSOLIDS

(1-U) AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO 1-YEAR EXTENSIONS TO OLIN CORPORATION IN THE AMOUNT OF \$488,047 FOR BULK SODIUM HYDROXIDE (CAUSTIC SODA)

(1-V) AWARD A CONTRACT TO T&T VALVE AND INSTRUMENT, INC., IN THE AMOUNT OF \$213,103.78 TO ACQUIRE AUTOMATIC VALVE ACTUATORS FOR THE SURFACE WATER TREATMENT FACILITY

(1-W) APPROVE AN AMENDMENT TO THE TRACT 5717 SUBDIVISION AGREEMENT TO REIMBURSE LOCANS INVESTMENTS LLC FOR AN AMOUNT NOT TO EXCEED \$1,270,063 FOR THE DESIGN AND CONSTRUCTION OF PHASE III OF THE SOUTHERN WATER MAIN INTERCONNECTION AND APPROVE AN AMENDMENT TO THE MITIGATED NEGATIVE DECLARATION

(1-X) AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO ENTER INTO AN EXTENSION OF THE CURRENT HANDY RIDE LEASE AGREEMENT

(1-Y) **RESOLUTION NO. 2008-152** - AUTHORIZING SUBMITTAL OF TWO GRANT APPLICATIONS TO HUD FOR ACCEPTANCE OF FUNDING UP TO \$3,000,000 FOR THE LEAD-BASED PAINT HAZARD CONTROL GRANT PROGRAM AND UP TO \$300,000 FOR THE LEAD-BASED OUTREACH PROGRAM

(1-Z) **RESOLUTION NO. 2008-153** - APPROVING THE FINAL MAP OF TRACT NO. 5901, PHASE I OF VESTING TENTATIVE MAP NO. 5901 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, AND AUTHORIZING THE PUBLIC WORKS AND PUBLIC UTILITIES DIRECTORS TO EXECUTE THE NECESSARY DOCUMENTS

(1-AA) **RESOLUTION NO. 2008-154** - AUTHORIZING THE EXTENSION OF SALARY DIFFERENTIAL AND CITY-PAID PORTION OF HEALTH AND WELFARE CONTRIBUTION BENEFITS FOR PERMANENT EMPLOYEES DURING MILITARY DEPLOYMENTS IN EXCESS OF 31 DAYS, AND CONTINUING LEAVE ACCRUAL AND PAYMENT OF THE EMPLOYEE-PAID PORTION OF THE HEALTH AND WELFARE CONTRIBUTION FOR THE DEPLOYED EMPLOYEES UP TO THE AMOUNT CHARGED BY THE FRESNO CITY EMPLOYEES HEALTH & WELFARE TRUST DURING THE PERIOD OF DEPLOYMENT

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Calhoun, Caprioglio, Dages, Duncan, Perea, Sterling, Xiong
Noes : None
Absent : None

(9:00 A.M.) PUBLIC COMMENT PERIOD:

(A) SCHEDULED ORAL COMMUNICATION: APPEARANCE BY SUSAN AND JOSHUA REAMS TO DISCUSS AN ISSUE THAT OCCURRED ON A FAX BUS (LOUD SWEARING BY A PASSENGER)

Appearance made with Ms. Reams presenting a sign they designed that states "Please Do Not Cuss On The Bus" and suggesting the signs be placed in buses. ACM Rudd and Transportation Director Hamm responded to the issue and advised of city policy and upon comments and question of Councilmember Duncan advised of challenges the city could face if passengers/youth were to be kicked-off buses for disruptive behavior. Councilmember Calhoun commented on the issue as a FAX rider and commended the drivers for the daily issues/challenges they face. (*Note - Rick Steitz with ATU spoke further to the issue under "Unscheduled Communications".)

(B) UNSCHEDULED ORAL COMMUNICATIONS:

Rob DeFrees, 119 N. Calaveras, stated he was a neighbor who cared and spoke to the problem of neighborhood crime.

Margie Haymon, Bobbie Parks and Brunette Harris, all with HEAT for Southwest Fresno, spoke to their objection to using CDBG funds for any city project, to the lack of responses to their inquiries, to the west Fresno community not being included or asked for input on developments, to the lack of district representation, and to a conflict of interest with Acting President Sterling and the **(2 - 0)** Running Horse and Hope VI projects.

Sherry Smith, 4724 W. Swift, spoke to her disappointment that Fire Station 16 could not be saved for the Ashlan Cornelia corridor.

Barbara Hunt spoke to southwest Fresno street directional designations.

Rene Delport with CSUF and Cathy Caples with the Volunteer Center spoke to National Make A Difference Day on October 25th and requested Council's support by each member hosting a kick-off in their respective districts.

Lynn Roberts spoke in general to various concerns/issues.

Mary Curry spoke to the Hinton Center questioning why another lease agreement was being entered into when one was already in place, with Acting President Sterling responding and requesting Ms. Curry contact her office staff so all issues could be explained.

Rick Steitz, ATU Business Agent, referenced the earlier appearance by Ms. Reams and spoke to the problem of disruptive/swearing passengers and to his support for drivers being able to remove them from buses or obtaining restraining orders for habitual offenders and stated further discussion was needed on this problem.

(9:15 A.M. "A") RESOLUTION NO. 2008-155 - SUPPORTING THE "SAFE NEIGHBORHOODS ACT: STOP GANG, GUN AND STREET CRIME" - COUNCILMEMBER DUNCAN

Councilmember Duncan reviewed the issue and initiative that would be on the November ballot, all as contained in his material to Council as submitted, and read a letter of support from Mayor Autry into the record and made a motion to adopt the resolution, which motion was seconded by Councilmember Dages.

Speaking to the issue were: Barbara Hunt, who expressed concerns with the initiative; Jim Reynolds, who spoke in support and expanded further on the initiative; Police Chief Dyer, support, Fresno County Sheriff Margaret Mims, support, Linda Penner, Chief Probation Officer, support; and Lynn Roberts.

Mr. Reynolds responded to questions/comments/concerns of Acting President Sterling and President Xiong relative to cost for the plan, funding source, strain on the state budget, the large amount of information received and it being premature to make a decision/take a position, position of the state representatives **(3 - 0)**, and other specifics of the initiative including housing, Section 8 compliance, impacts, and lack of funding for education/prevention.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2008-155 hereby adopted, by the following vote:

Ayes : Caprioglio, Dages, Duncan, Perea
Noes : Sterling, Xiong
Absent : None
Abstain : Calhoun

(9:30 A.M. "B") RESOLUTION NO. 2008-156 - APPROVE EXTENSION OF TERMS OF THE EXISTING LOAN GUARANTY AND RELATED DOCUMENTS WITH THE MET MUSEUM, AND AUTHORIZING EXECUTION AND DELIVERY OF THE AGREEMENTS AND RELATED DOCUMENTS AND TAKING ALL NECESSARY ACTIONS RELATED THE TRANSACTIONS CONSISTENT WITH THE RESOLUTION

Deputy City Manager Watahira gave a brief overview of the issue, all as contained in the staff report as submitted.

Speaking in support of the issue were Barbara Hunt and Met Development Director Jon Carroll, who also clarified there were no changes to the terms.

City Manager Souza, City Attorney Sanchez, Mr. Carroll and Mr. Watahira responded to questions of Councilmembers Calhoun and Sterling relative to the construction work that has occurred, why an extension was needed, consequence if financing is not secured in 90 days, consequence if the extension is not approved, if the Met had a contingency plan, if a 90 day extension was sufficient, status of the project, and additional questions on the financing and a request to keep Council updated/informed as a partner. Councilmember Perea made a motion to adopt the resolution and spoke briefly in support of the extension and to the huge service the Met provides.

On motion of Councilmember Perea, seconded by Acting President Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2008-156 hereby adopted, by the following vote:

Ayes : Calhoun, Caprioglio, Dages, Duncan, Perea, Sterling, Xiong
Noes : None
Absent : None

(9:30 A.M. "C") CONSIDER AND ADOPT A NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT DATED APRIL 28, 2008, FOR RESIDENTIAL METER IMPLEMENTATION PLAN

1. ADOPT HDR ENGINEERING'S RESIDENTIAL METER IMPLEMENTATION PLAN AND ACCEPT RECOMMENDATION TO MOVE FORWARD WITH A CITYWIDE RESIDENTIAL AUTOMATIC METER READING (AMR) SYSTEM

Assistant PUD Director Gaddy gave a brief overview of the issue, all as contained in the staff report as submitted.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

On motion of President Xiong, seconded by Acting President Sterling, duly carried, RESOLVED, a Negative Declaration for the subject Environmental Assessment hereby adopted, and HDR Engineering's Residential Meter Implementation Plan adopted and their recommendation to move forward with a city-wide residential Automatic Meter Reading (ARM) system accepted, by the following vote:

Ayes : Calhoun, Caprioglio, Dages, Duncan, Perea, Sterling, Xiong
Noes : None
absent : None

(10:30 A.M.) HEARING TO CONSIDER AN ORDINANCE REPEALING OFFICIAL PLAN LINE NO. OPL-111 FOR W. GETTYSBURG AVENUE BETWEEN N. GRANTLAND AND N. GARFIELD AVENUES

1. AFFIRM FINDING OF THE MITIGATED NEGATIVE DECLARATION FOR E.A. NO. R-07-12/T-5964/C-07-252, DATED JANUARY 30, 2008

2. BILL NO. B-41 - ORDINANCE NO. 2008-40 - REPEALING OFFICIAL PLAN LINE NO. OPL-111

President Xiong announced the time had arrived to consider the issue, opened the hearing, and upon his question Supervising Planner Lewis advised the staff report as submitted was complete and there was no new information to add.

Dirk Poeschel, on behalf of The McCaffrey Group, requested support.

Upon call, no one else wished to be heard and President Xiong closed the hearing.

On motion of President Xiong, seconded by Councilmember Caprioglio, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for the subject E.A. hereby reaffirmed, and the above entitled Bill No. B-41 adopted as Ordinance No. 2008-40, by the following vote:

Ayes : Calhoun, Caprioglio, Dages, Duncan, Perea, Sterling, Xiong
Noes : None
Absent : None

(10:40 A.M. "A") HEARING ON CFD NO. 11 (FINAL TRACT MAP NO. 5728), ANNEXATION NO. 25

1. **RESOLUTION NO. 2008-157** - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF TAXES
2. **RESOLUTION NO. 2008-158** - CALLING A SPECIAL MAILED-BALLOT ELECTION
3. **RESOLUTION NO. 2008-159** - DECLARING ELECTION RESULTS
4. **BILL NO. B-42 - ORDINANCE NO. 2008-41** - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2008-09 AND FUTURE TAX YEARS

President Xiong announced the time had arrived to consider the issue, opened the hearing, and upon his question City Engineer Mozier advised the staff report as submitted was complete and there was no new information to add.

Upon call, no one wished to be heard and President Xiong closed the hearing.

On motion of President Xiong, seconded by Councilmember Caprioglio, duly carried, RESOLVED, the above entitled Resolution Nos. 2008-157, 2008-158 and 2008-159 hereby adopted, and the above entitled Bill No. B-42 adopted as Ordinance No. 2008-41, by the following vote:

Ayes : Calhoun, Caprioglio, Dages, Duncan, Perea, Sterling, Xiong
 Noes : None
 Absent : None

(10:40 A.M. "B") **RESOLUTION NO. 2008-160** - APPROVING THE FINAL MAP OF TRACT NO. 5728, PHASE 2 OF VESTING TENTATIVE MAP NO. 5316 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, AND AUTHORIZE THE PUBLIC WORKS AND PLANNING & DEVELOPMENT DIRECTORS TO EXECUTE THE NECESSARY DOCUMENTS

On motion of President Xiong, seconded by Councilmember Caprioglio, duly carried, RESOLVED, the above entitled Resolution No. 2008-160 hereby adopted, by the following vote:

Ayes : Calhoun, Caprioglio, Dages, Duncan, Perea, Sterling, Xiong
 Noes : None
 Absent : None

CLOSED SESSION:

(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:

1. COF V. THE DISCOVERY CENTER
2. HERITAGE FRESNO V. THE REDEVELOPMENT AGENCY, ET AL (HERITAGE II) (ARMENIAN TOWN)

The City Council met in closed session in Room 2125 at the hour of 10:43 a.m. to consider the above matters and reconvened in regular open session at 11:01 a.m. Councilmembers Dages and Sterling arrived later.

(11:00 A.M. #1) CONTINUED HEARING ON REZONE APPLICATION NO. R-07-06 AND ENVIRONMENTAL FINDINGS FILED BY PROVOST & PRITCHARD ENGINEERING GROUP, INC., ON BEHALF OF FRESNO SKATING CENTER, INC., NORTH SIDE OF W. CLINTON BETWEEN N. MARKS AND N. VALENTINE AVENUES

1. CONSIDER AND ADOPT E.A. NO. R-07-06, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR
2. **BILL NO. B-43 - ORDINANCE NO. 2008-42** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM AND C-6/UGM/cz TO R-1/UGM

President Xiong announced the time had arrived to consider the issue, opened the hearing, and upon his question Planning & Development Director Yovino advised the staff report as submitted was complete and there was no new information to add.

Upon call, no one wished to be heard and President Xiong closed the hearing.

On motion of Councilmember Duncan, seconded by President Xiong, duly carried, RESOLVED, the environmental finding for the subject E.A. hereby approved, and the above entitled Bill No. B-43 adopted as Ordinance No. 2008-42, by the following vote:

Ayes : Calhoun, Caprioglio, Duncan, Perea, Xiong
Noes : None
Absent : Dages, Sterling

Acting President Sterling and Councilmember Dages arrived at 11:02 a.m.

(11:00 A.M. #2) 2008 CYCLE I TRIMESTER PLAN AMENDMENT HEARING - CONSIDERATION OF PLAN AMENDMENT APPLICATION NO. A-07-23, REZONE APPLICATION NO. R-07-81, AND ENVIRONMENTAL FINDINGS FILED BY WILLARD AND BETTYE EISNER, ON BEHALF OF THE EISNER FAMILY TRUST OF 1982, SOUTHEAST CORNER OF E. SHAW AND N. CHESTNUT AVENUES ADJACENT TO THE WESTBOUND ON-RAMP OF STATE ROUTE 168

- 1. CONSIDER AND ADOPT A MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-07-23/R-07-81
- 2. **RESOLUTION NO. 2008-161** - AMENDING THE 2025 FRESNO GENERAL PLAN AND HOOVER COMMUNITY PLAN
- 3. **BILL NO. B-44 - ORDINANCE NO. 2008-43** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM C-1 TO C-6/cz

President Xiong announced the time had arrived to consider the issue, opened the hearing, and upon his question M.A. Zuniga advised the staff report as submitted was complete and there was no new information to add.

Upon call, no one wished to be heard and President Xiong closed the hearing.

A motion and second was made to approve staff's recommendations. Upon question of Councilmember Duncan, Ms. Zuniga and Planning Manager Haro explained issues relative to the existing parking condition/problem and advised parking was addressed in the conditions of zoning.

On motion of Councilmember Caprioglio, seconded by Councilmember Duncan, duly carried, RESOLVED, the environmental finding for the subject E.A. hereby approved, the above entitled Resolution No. 2008-161 hereby adopted, and the above entitled Bill No. B-44 adopted as Ordinance No. 2008-43, by the following vote:

Ayes : Calhoun, Caprioglio, Dages, Duncan, Perea, Sterling, Xiong
Noes : None
Absent : None

RECESS - 11:08 A.M. - 2:00 P.M.

CONTESTED CONSENT CALENDAR:

(1-H) APPROVE THE PURCHASE OF THREE ACRES OF LAND AT THE SOUTHWEST CORNER OF E. CLINTON AND N. WEBER AVENUES FROM NOYAN/FRAZIER PROPERTIES, LLC, FOR CONSTRUCTION OF A NEW CENTRAL DISTRICT POLICING STATION

Deputy Chief Enmark advised staff had originally requested the item be removed from the agenda as the city attorney's office wanted to look at the CEQA analysis of the redevelopment property but advised the city attorney now felt comfortable in moving forward with this purchase and added the CEQA analysis would still have to be completed and be part of the escrow.

Barbara Hunt spoke to the issue.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the purchase of three acres of land at E. Clinton and N. Weber Avenues for \$1,045,440 for the new Central District Policing Station hereby approved, by the following vote:

Ayes : Calhoun, Caprioglio, Dages, Duncan, Perea, Sterling, Xiong
 Noes : None
 Absent : None

(2:00 P.M.) ADOPTION OF THE CITY OF FRESNO FISCAL YEAR 2009 BUDGET AND COMMUNITY DEVELOPMENT BLOCK GRANT BUDGET INCLUDING THE ANNUAL APPROPRIATIONS RESOLUTION

1. RESOLUTION - ADOPTING THE BUDGET FOR FY 2009 AND APPROPRIATING TO THE VARIOUS DEPARTMENTS AMOUNTS SET FORTH FOR PURPOSES NAMES HEREIN - ANNUAL APPROPRIATION RESOLUTION (AAR)
2. RESOLUTION - ESTABLISHING THE NUMBER OF POSITIONS AUTHORIZED IN THE VARIOUS DEPARTMENTS AND OFFICES OF THE CITY FOR FY 2009 - POSITION AUTHORIZATION RESOLUTION (PAR)
3. RESOLUTION - SELECTING THE METHOD TO DETERMINE GANN APPROPRIATION LIMIT - FY 2009 GANN APPROPRIATING LIMIT
4. BILL - AUTHORIZING THE LEVY AND COLLECTION OF A PROPERTY TAX ON TAXABLE PROPERTY IN THE CITY FOR PARTIAL FUNDING OF THE FRESNO FIRE AND POLICE RETIREMENT SYSTEM AND THE FRESNO CITY EMPLOYEES' RETIREMENT SYSTEM FOR THE FISCAL YEAR BEGINNING JULY 1, 2008 - PROPERTY TAX OVERRIDE ORDINANCE
5. RESOLUTION - ESTABLISHING RULES FOR THE APPLICATION OF CITY EMPLOYEE COMPENSATION RATES AND SCHEDULES AND RELATED REQUIREMENTS, AND ESTABLISHING COMPENSATION RATES AND SCHEDULES FOR FY 2009 - SALARY RESOLUTION
6. RESOLUTION - ESTABLISHING COMPARISONS FOR PURPOSES OF ESTABLISHING RETIREMENT BENEFITS FOR DELETED CLASSES
7. RESOLUTION - APPROVING SUBMISSION OF THE FY 2008-2009 ANNUAL ACTION PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR CDBG, HOME, ESG AND ADDI PROGRAM FUNDS, AND AUTHORIZING THE CITY MANAGER TO SIGN ALL IMPLEMENTING DOCUMENTS REQUIRED BY HUD

Upon question City Attorney Sanchez clarified (1) public testimony was closed last week **(4 - 0)** and Council could either re-open it or keep it closed, and (2) Council could vote on each item separately or approve them all with one motion. Councilmember Dages advised he would be opposing only adoption of the budget.

1. RESOLUTION NO. 2008-162 - ADOPTING THE BUDGET FOR FISCAL YEAR 2009 AND APPROPRIATING TO THE VARIOUS DEPARTMENTS AMOUNTS SET FORTH FOR PURPOSES NAMES HEREIN - ANNUAL APPROPRIATION RESOLUTION (AAR)

On motion of Councilmember Duncan, seconded by Councilmember Caprioglio, duly carried, RESOLVED, the above entitled Resolution No. 2008-162 hereby adopted, by the following vote:

Ayes : Calhoun, Caprioglio, Duncan, Perea, Sterling, Xiong
 Noes : Dages
 Absent : None

2. **RESOLUTION NO. 2008-163** - ESTABLISHING THE NUMBER OF POSITIONS AUTHORIZED IN THE VARIOUS DEPARTMENTS AND OFFICES OF THE CITY FOR FY 2009 - POSITION AUTHORIZATION RESOLUTION (PAR)
3. **RESOLUTION NO. 2008-164** - SELECTING METHOD TO DETERMINE GANN APPROPRIATION LIMIT - FY 2009 GANN APPROPRIATING LIMIT
4. **BILL NO. B-45 - ORDINANCE NO. 2008-44** - AUTHORIZING THE LEVY AND COLLECTION OF A PROPERTY TAX ON TAXABLE PROPERTY IN THE CITY FOR PARTIAL FUNDING OF THE FRESNO FIRE AND POLICE RETIREMENT SYSTEMS AND THE FRESNO CITY EMPLOYEES' RETIREMENT SYSTEM FOR THE FISCAL YEAR BEGINNING JULY 1, 2008 - PROPERTY TAX OVERRIDE (PTO) ORDINANCE

5. **RESOLUTION NO. 2008-165** - ESTABLISHING RULES FOR THE APPLICATION OF CITY EMPLOYEE COMPENSATION RATES AND SCHEDULES AND RELATED REQUIREMENTS, AND ESTABLISHING COMPENSATION RATES AND SCHEDULES FOR FY 2009 - SALARY RESOLUTION

6. **RESOLUTION NO. 2008-166** - ESTABLISHING COMPARISONS FOR PURPOSES OF ESTABLISHING RETIREMENT BENEFITS FOR DELETED CLASSES

7. **RESOLUTION NO. 2008-167** - APPROVING SUBMISSION OF THE FY 2008-2009 ANNUAL ACTION PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR CDBG, HOME, ESG AND ADDI PROGRAM FUNDS, AND AUTHORIZING THE CITY MANAGER TO SIGN ALL IMPLEMENTING DOCUMENTS REQUIRED BY HUD

On motion of Councilmember Duncan, seconded by Councilmember Caprioglio, duly carried, RESOLVED, the above entitled Resolution Nos. 2008-163, 2008-164, 2008-165, 2008-166 and 2008-167 hereby adopted, and the above entitled Bill No. B-45 adopted as Ordinance No. 2008-44, by the following vote:

Ayes : Calhoun, Caprioglio, Dages, Duncan, Perea, Sterling, Xiong
Noes : None
Absent : None

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 2:07 p.m. having arrived and hearing no objection, President Xiong declared the meeting adjourned.

Approved on the ____ 15th _____ day of _____ July _____, 2008.

_____/s/_____
Blong Xiong, Council President

ATTEST: _____/s/_____
Yolanda Salazar, Assistant City Clerk